

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER

October 9, 2013

O'TOOLE, D.J.

The defendant has filed on the public docket a redacted motion to compel (dkt. no. 112) and three accompanying exhibits. With the government's assent, the defendant now moves for leave to file unredacted versions of these documents under seal, because they contain references to statements made by identified witnesses. The parties are in agreement that public disclosure of witness identities and their prior statements may interfere with both parties' investigative and case preparation efforts.

The public's presumptive right of access to judicial documents under either the common law or the First Amendment does not apply to discovery materials or to materials submitted in connection with discovery motions. See United States v. Kravetz, 706 F.3d 47, 54 (1st Cir. 2013) (collecting cases). Public access to such materials may result in hindrance to the parties' discovery process and premature exposure of trial strategy. Id.

Accordingly, the defendant's motion for leave to file under seal (dkt. no. 113) is GRANTED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge